

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____)	
AVI KOSCHITZKI, on Behalf of Himself)	
and all Others Similarly Situated,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:08-CV-04451-JBW-VVP
)	
APPLE INC. and AT&T MOBILITY LLC,)	
)	
Defendants.)	
_____)	

STIPULATION AND ~~PROPOSED~~ ORDER

WHEREAS on November 24, 2008, defendants Apple Inc. ("Apple") and AT&T Mobility LLC ("ATTM") (collectively, "Defendants") each separately filed a motion to dismiss the Complaint; Apple filed a motion to strike Plaintiff's claim for minimum and punitive damages under the New York General Business Law (in which ATTM joined); and ATTM filed a motion, pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1-16, for an order, *inter alia*, compelling Plaintiff to pursue his claims in arbitration or small claims court (collectively, the "Motions");

WHEREAS on January 8, 2009, plaintiff Avi Koschitzki filed oppositions to the Motions;

WHEREAS, on January 8, 2009, Koschitzki also filed a motion to strike the Declaration of Richard A. Nagareda, which ATTM had submitted in support of its motion to compel arbitration;

WHEREAS, the parties agree that ATTM will file its opposition to Koschitzki's motion to strike by January 26, 2009;

WHEREAS, the parties agree that, in the interest of judicial economy, Koschitzki's motion to strike should be on the same schedule as ATTM's motion to compel arbitration; and

WHEREAS this is the parties' first request for a short extension of time in connection with the briefing of Koschitzki's motion to strike, and the parties' second request for a short extension of time in connection with the briefing of ATTM's motions to compel arbitration and to dismiss and Apple's motion to strike and to dismiss;

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties, that the time for Plaintiff to file his reply in support of his Motion to Strike the Declaration of Nagareda, is hereby extended from February 2, 2009 to February 17, 2009 and the time for Defendants to file their replies in support of their Motions, is hereby extended from January 26, 2009 to February 17, 2009.

RIGRODSKY & LONG, P.A.

BY: /s/Mark S. Reich

Mark S. Reich
Joseph Russello
585 Stewart Ave.
Suite 304
Garden City, NY 11530
Tel: (516) 683-3516
Fax: (302) 654-7530

MORRISON & FOERSTER LLP

BY: /s/Jamie A. Levitt

Jaime A. Levitt
1290 Avenue of the Americas
New York, NY 10104
Tel.: (212) 468-8000
Fax: (212) 468-7900

Attorney for Defendant Apple Inc.

and

Seth D. Rigrodsky
Brian Long
919 New Market St., Suite 980
Wilmington, DE 19801
Tel: (302) 395-5310
Fax: (302) 654-7530

Attorneys for Plaintiff

OF COUNSEL:

STEIN FARKAS & SCHWARTZ LLP

Aaron M. Stein
Joshua Farkas
1639 East 13 St.
Brooklyn, NY 11229
Tel: (718) 645-5600
Fax: (718) 645-3767

CROWELL & MORING LLP

By: /s/ Stephen D. Greenblatt
Stephen D. Greenblatt
153 East 53rd Street
New York, NY 10022
Tel.: (212) 895-4265
Fax: (212) 223-4134

Attorney for Defendant AT&T Mobility LLC

OF COUNSEL:

CROWELL & MORING LLP

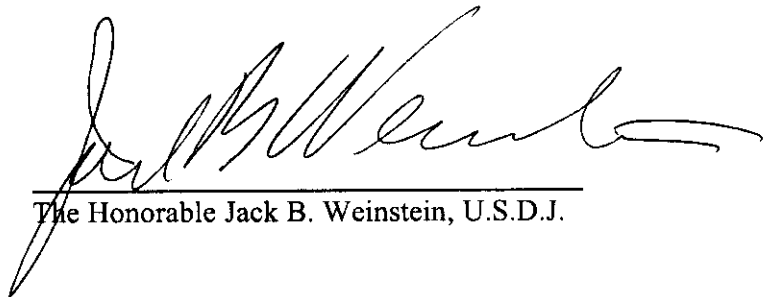
Kathleen Taylor Sooy
Lynn E. Parseghian
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004
Tel.: (202) 624-2500
Fax: (202) 628-5116

MAYER BROWN LLP

Evan M. Tager
Archis A. Parasharami
Kevin S. Ranlett
1909 K St., NW
Washington, DC 20006
Tel: (202) 263-3000
Fax: (202) 263-3300

IT IS SO ORDERED.

Dated: 2/10, 2009
Brooklyn, New York



The Honorable Jack B. Weinstein, U.S.D.J.